

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PARKERVISION, INC.,

Plaintiff,

vs.

INTEL CORPORATION,

Defendant.

Civil Action Nos. 6:20-cv-00108-ADA

JURY TRIAL DEMANDED

**INTEL CORPORATION'S NOTICE OF SUPPLEMENTAL AUTHORITY
REGARDING INTEL'S MOTION FOR FURTHER CLAIM CONSTRUCTION**

Defendant Intel Corporation (“Intel”) wishes to bring to the Court’s attention the decision in *Grecia Estate Holdings, LLC v. Meta Platforms, Inc.*, No. 6:21-cv-00677-ADA, 2022 WL 2109296, at * 6 (W.D. Tex. June 6, 2022) (“*Grecia*”), which is relevant to Plaintiff ParkerVision, Inc.’s IPR disclaimer, as raised by Intel’s Motion for Further Claim Construction. *See* Case Nos. 6:20-cv-00108-ADA (the “108 Case”), Dkt. 117. *Grecia*, like this case, concerned a patentee’s IPR disclaimer and its subsequent taking of inconsistent positions regarding claim scope as between the IPR proceedings and the district court litigation:

To survive IPR, Grecia disclaimed any correspondence between credit card information and the “encrypted digital media” of the ’555 Patent. Claims 15-16 of the ’555 Patent require, in part, that the computer program product receive and authenticate a “membership verification token provided by a first user, corresponding to the encrypted digital media.” ’555 Patent at 16:54–59. In other words, there must be some relationship between the “membership verification token” and the “encrypted digital media.” *Grecia*’s Complaint alleges that a Facebook Pay user’s “PayPal account or Debit and Credit Card number” is the claimed “membership verification token.” ECF No. 1 at 6–7. ***Yet, in IPR, Grecia asserted that credit card information could not be the “membership verification token”*** because a credit card number corresponds to the credit card account and not digital media. Preliminary Response, *Unified Patent Inc. v. Grecia*, IPR2016-00789, Paper No. 5 (P.T.A.B. June 22, 2016) at 21–22. ***Ultimately, Grecia seeks to benefit from claiming a distinction between the ’555 Patent and the DeMello reference during IPR yet refuses to confront the drawback of claiming the same distinction in litigation. Grecia’s allegations contradict prior sworn statements concerning the invention’s scope during IPR and, therefore, fail to “articulate why it is plausible that the accused product infringes the patent claim.”*** Bot M8, 4 F.4th at 1355. *Grecia* cannot possibly allege infringement on this ground.

Grecia, 2022 WL 2109296, at * 6 (emphases added).

Dated: June 27, 2022

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing document via the Court's CM/ECF system on June 27, 2022.

/s/ J. Stephen Ravel
J. Stephen Ravel